

SPECIAL CONSOLIDATED CHECKLIST
for the
Treatability Studies Sample Exemption as of **December 31, 2002**

Notes: 1) This checklist consolidates the changes to Federal code addressed by the following Treatability Studies Sample Exemption checklists through **December 31, 2002**:

- Revision Checklist 49 (53 FR 27290; July 19, 1988); and
- Revision Checklist 129 (59 FR 8362; February 18, 1994).

No final rules were promulgated between June 30, 1994 and **December 31, 2002** that affected the Treatability Studies rule. Therefore, this consolidated checklist is identical to that of June 30, 1994.

2) The standards addressed by 261.4(e) and (f) as introduced by the July 29, 1988 rule (53 FR 27290; Revision Checklist 49) are less stringent than existing Federal requirements; thus, authorized States are not required to adopt them. EPA strongly encourages States to do so, however, to facilitate evaluating remediation alternatives for CERCLA clean-ups and for the RCRA Corrective Action Program. These requirements will also speed research and development for treatment alternatives to land disposal and waste minimization, recycling, and reuse. These requirements were amended by a February 18, 1994 rule (59 FR 8362-8366; Revision Checklist 129) which increases the quantity and time limits for contaminated media to be used in treatability studies. States which are not authorized for Revision Checklist 49 and who choose to adopt this checklist are encouraged to adopt the revisions addressed in Revision Checklist 129 at the same time the requirements addressed by Revision Checklist 49 are adopted.

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL							
SUBPART B - DEFINITIONS							
DEFINITIONS							
† add "treatability study"	49	260.10					
PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE							
SUBPART A - GENERAL							
† EXCLUSIONS							
regulation of treatability study samples and relation to quantity determination of 261.5 and 262.34(d)	49	261.4(e)(1)					
collection and preparation of sample for transport	49	261.4(e)(1)(i)					
accumulation or storage of sample prior to transport	49	261.4(e)(1)(ii)					

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as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
transport of sample to laboratory or testing facility	49	261.4(e)(1)(iii)					
introductory paragraph regarding provisions for exemption under (e)(1)	49	261.4(e)(2)					
sample size limits by hazardous waste type for sample collector	49,129	261.4(e)(2)(i)					
weight limit for each sample shipment	49,129	261.4(e)(2)(ii)					
packaging requirements for sample	49	261.4(e)(2)(iii)					
compliance with U.S. DOT, USPS or other for transport	49	261.4(e)(2)(iii)(A)					
information required if DOT, USPS, or other do not apply to shipment	49	261.4(e)(2)(iii)(B)(1)-(5)					
laboratory or testing facility requirements	49	261.4(e)(2)(iv)					
3 year maintenance of specified records	49	261.4(e)(2)(v)					
records which must be maintained	49	261.4(e)(2)(v)(A)-(C)					
biennial report requirements	49	261.4(e)(2)(vi)					

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1 granting requests for an additional two years for treatability studies involving bioremediation; granting of requests for quantities in excess of the 261.4(e)(2)(i)&(ii) and 261.4(f)(4) limits; application procedure	49,129	261.4(e)(3)					
1 factors to be considered when reviewing requests for authorization to ship, store and conduct treatability studies on additional quantities in advance of commencing treatability studies	129	261.4(e)(3)(i)					
1 factors to be considered when reviewing requests for authorization to ship, store and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies	49,129	261.4(e)(3)(ii)					
1 additional quantities and timeframes are subject to all of the provisions of paragraph 261.4(e)(1) and 261.4(e)(2)(iii)-(vi); the sample collector must provide the following information:	49,129	261.4(e)(3)(iii)					
1 reason for request and additional time or quantity needed	49,129	261.4(e)(3)(iii)(A)					
1 required documentation	49,129	261.4(e)(3)(iii)(B)					

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1 description of technical modifications	49,129	261.4(e)(3)(iii)(C)					
1 equipment and mechanical failure information	49,129	261.4(e)(3)(iii)(D)					
1 other information	49,129	261.4(e)(3)(iii)(E)					
requirements for samples undergoing treatability studies at labs and testing facilities	49	261.4(f)					
notification requirements	49	261.4(f)(1)					
EPA identification number of laboratory or testing facility	49	261.4(f)(2)					
single day quantity restrictions on initiation of treatment studies	49,129	261.4(f)(3)					
quantity limitations on storage of treatability study samples; limitation does not include treatment materials	49,129	261.4(f)(4)					
90 days/1 year limitations (two years for treatability studies involving bioremediation) on duration of exemption; up to 500 kg of treated materials from a particular wastestream may be archived for up to 5 years	49,129	261.4(f)(5)					
land placement and open burning of study samples not allowed	49	261.4(f)(6)					

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				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
3 year maintenance and storage of treatability study records	49	261.4(f)(7)					
list of specific information needed for each treatability study	49	261.4(f)(7)(i)-(vii)					
3 year maintenance of shipping records and treatability study contract	49	261.4(f)(8)					
laboratory or treatability study facility annual report requirement	49	261.4(f)(9)					
required annual report information	49	261.4(f)(9)(i)-(vii)					
hazardous waste determination for unused samples by facility	49	261.4(f)(10)					
notification when facility discontinues treatability studies	49	261.4(f)(11)					

† Optional

†† Conditionally Optional

¹ The original 261.4(e)(3) and (e)(3)(i)-(v) were introduced to the code by Revision Checklist 49. Revision Checklist 129 split off portions of the old 261.4(e)(3) and designated them as 261.4(e)(3)(ii)&(iii), added a new 261.4(e)(3)(i), and redesignated the old 261.4(e)(3)(i)-(v) as 261.4(e)(3)(iii)(A)-(E).

